

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

MITCHELL HENNESSEY,
A.K.A. "Hugh Henne,"
Defendant.

Case No. 22-CR-00612

MOTION TO MODIFY CONDITIONS OF RELEASE

COMES NOW the United States of America, by and through Alamdar S. Hamdani, United States Attorney, and Thomas H. Carter, Assistant United States Attorney, for the Southern District of Texas, and moves this Honorable Court to Modify the Conditions of Release for named defendant, MITCHELL HENNESSEY.

I. History

On Dec. 7, 2022, Defendant HENNESSEY was indicted in the Southern District of Texas for violations 18 U.S.C. Sec. 1348 (Securities and Commodities Fraud) and 18 U.S.C. Sec. 1349 (Conspiracy to Commit Fraud). He was subsequently arrested on those charges on December 13, 2022 in Hoboken, New Jersey, located in the District of New Jersey.

At Defendant HENNESSEY's initial appearance on December 13, 2022, the Magistrate's Court in the Middle District of Tennessee set conditions for his release in an order under cause number 22-10339. The District of New Jersey granted Defendant Hennessey a \$250,000.00 *unsecured* bond, along with multiple conditions. These conditions included some conditions

standard in this district along with prohibitions on contact with witnesses and co-defendants and prohibitions on social media usage. However, the conditions set by the District of New Jersey lacked provisions prohibiting the possession of firearms, restricting the Defendants movements to the Southern District of Texas and his home district, and requiring GPS monitoring. All such provisions are needed to ensure Defendant Hennessey's continued appearance, are standard in this district, and would bring him into parity with his multiple co-defendants.

II. Request

The United States asks that this Court modify Defendant HENNESSEY's conditions of release in the following manners:

- A requirement that the Defendant obtain a stand-alone GPS tracking device as prescribed by Pre-Trial services and the United States Probation Department in accordance with similar conditions imposed on the Defendant's co-defendants.
- A prohibition against owning, maintaining, controlling, or being in the presence of any firearms or destructive devices.
- Restriction of the Defendant's travel to the Southern District of Texas and the District of New Jersey without prior approval from Pre-Trial services and the Court.

The United States believes that these conditions are necessary to ensure that the Defendant appears in court in a timely manner and will ensure the proper dispensation of justice in this case. Further, these proposed modifications to the Defendant's conditions of release were included in Defendant's HENNESSEY's co-defendants' conditions, and such modifications would bring Defendant HENNESSEY into parity with others similarly situated.

WHEREFORE, the Government requests that this Court issue an ORDER to set a date for a hearing on this motion as soon as practicable.

Respectfully submitted,

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Southern District of Texas

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O R D E R

HAVING CONSIDERED the Government's Motion to Modify Conditions of Release as to Defendant MITCHELL HENNESSEY, the COURT ORDERS a hearing on the matter set for January _____, 2023 at _____ AM/PM and for all parties to attend.

Signed at Houston, Texas this _____ day of _____, 2023.

THE HONORABLE DENA HANOVICE PALERMO
UNITED STATES MAGISTRATE JUDGE